

December 10, 2007

Mr. David Onuczko
Executive Director
Northeast Capital Industrial Association
#204, 9902 – 102 Street
Fort Saskatchewan, Alberta
T8L 2C3

Dear Mr. Onuczko

RE: Northeast Capital Industrial Association (NCIA) Regional Noise Management Plan (RNMP) Compliance Framework

The EUB Environment Group staff reviewed your letter dated November 7, 2007 requesting a formal written acknowledgement by the EUB of the NCIA RNMP proposed compliance framework pursuant to EUB Directive 38: Noise Control.

In response to your request, the EUB acknowledges that the proposed compliance framework and regional baseline noise model concept presented in the NCIA letter dated November 7, 2007 is acceptable with respect to RNMP requirements outlined in Section 5.1 of Directive 38. The EUB understands that:

- NCIA-member companies will demonstrate compliance with Directive 38 by implementing the RNMP,
- compliance to the RNMP is based on the regional noise model baseline and conformance to the requirements outlined in the RNMP framework,
- new NCIA-member facilities will participate in the RNMP.

Please be advised that the existing resident PSLs and Directive 38 compliance process must be used until the regional noise model is approved, implemented and the regional noise baseline is established. We also understand that details of the noise model and compliance framework will be determined during the development process. We agree with your public engagement approach to use the Industrial Heartland Collaboration to Address Residents Interests (IHCARI) process in ongoing development of the RMNP.

Finally, we understand that the NCIA will be submitting a written request to the EUB Environment Group for \$30,000. The EUB approved this money for NCIA to use as seed money to develop the regional noise model. This money must be requested immediately.

The EUB looks forward to working with the NCIA to develop the regional noise model and the RNMP. Please contact Ken Banister (403-297-4786) if you have any questions regarding this letter.

Sincerely;



Brenda Austin
Manager
Environment Group

CC: Don Burke, EUB Environment Group
Ken Banister, EUB Environment Group
Greg Schroter, EUB St. Albert Field Centre



Ms. Brenda Austin
Manager
Environment Group
Alberta Energy and Utilities Board
640 - 5th Avenue SW
Calgary, Alberta
T2P 3G4

November 7, 2007

Dear Ms. Austin:

**RE: NCIA Regional Noise Management Plan (RNMP)
Compliance Framework pursuant to Noise Directive D-38**

A formal written acknowledgement of understanding respecting NCIA RNMP Compliance Framework pursuant to D-38 is hereby requested.

Approval of the NCIA Regional Noise Management Plan (RNMP) was received from the Alberta Energy and Utilities Board (EUB) in a letter dated February 14, 2007.

In February 2007, the EUB Directive D-38 was published and in June the NCIA Board of Directors endorsed the RNMP provisions with a resolution to amend the Association's Charter/By-laws subject to clarifications relating to compliance expectations. Section 5.2 of D-38 states that if confirmed by EUB that a standard PSL compliance approach is not practical "an acceptable detailed Noise Management Plan (NMP) may be used", however the provision does not address the compliance framework that would be used.

Following discussions with your staff, an understanding of the compliance framework was reached, and has been captured, along with additional RNMP details in the attached document entitled "*NCIA Regional Noise Management Plan Pursuant to EUB Noise Directive D-38, October, 2007*".

In summary a NCIA member-company would be in compliance with D-38 by implementing RNMP terms. A regional noise model would be used to first establish the benchmark against which effectiveness of the plan would be gauged. Areas of concern would continue to be worked between the EUB and affected entities.

It is NCIA's position that NCIA members are only a contributing source of noise in the Industrial Heartland region. Noise is a cumulative issue in the region and the success of regional noise mitigation can only be achieved if abatement of all sources of noise is considered. Accordingly, NCIA is encouraging the EUB to engage other stakeholders to participate in establishing

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